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FEDERAL TRADE COMMISSION

16 CFR Part 312

RIN 3084-AB20

Children's Online Privacy Protection Rule: AgeCheq Application for Parental Consent

Method

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Request for public comment.

SUMMARY: The Federal Trade Commission publishes this request for public comment concerning a proposed parental consent method submitted by AgeCheq Inc. ("AgeCheq") under the Voluntary Commission Approval Processes provision of the Children's Online Privacy Protection Rule. This is the second proposed new method submitted by AgeCheq.

DATES: Written comments must be received on or before December 29, 2014.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "AgeCheq Application for Parental Consent Method, Project No. P-155400" on your comment, and file your comment online at <https://ftcpublic.commentworks.com/FTC/coppaagecheqapp2/> by following the instructions on the web-based form. If you prefer to file your comment on paper, write "AgeCheq Application for Parental Consent Method, Project No. P-155400 on your comment and on the envelope and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue, NW, Suite CC-5610 (Annex K), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the

Secretary, Constitution Center, 400 7th Street, SW, 5th Floor, Suite 5610 (Annex K),
Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Miry Kim, Attorney, (202) 326-3622, Kandi
Parsons, Attorney, (202) 326-2369, or Peder Magee, Attorney, (202) 326-3538, Division of
Privacy and Identity Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

On October 20, 1999, the Commission issued its final Rule¹ pursuant to the Children’s
Online Privacy Protection Act, 15 U.S.C. 6501 *et seq.*, which became effective on April 21,
2000.² On December 19, 2012, the Commission amended the Rule, and these amendments
became effective on July 1, 2013.³ The Rule requires certain website operators to post privacy
policies and provide notice, and to obtain verifiable parental consent, prior to collecting, using,
or disclosing personal information from children under the age of 13. The Rule enumerates
methods for obtaining verifiable parental consent, while also allowing an interested party to file a
written request for Commission approval of parental consent methods not currently enumerated.⁴
To be considered, the party must submit a detailed description of the proposed parental consent
method, together with an analysis of how the method meets the requirements for parental consent
described in 16 CFR 312.5(b)(1). When a party requests approval of a proposed new method,
the Rule states that the Commission “will publish in the Federal Register a document seeking

¹ 64 FR 59888 (1999).

² 16 CFR part 312.

³ 78 FR 3972 (2013).

⁴ 16 CFR 312.12(a); 78 FR at 3991-3992, 4013.

public comment on the request.”⁵ Seeking public comment on a proposed new method does not indicate that the Commission has taken a position, positive or negative, on the merits of the application.

Pursuant to § 312.12(a) of the Rule, AgeCheq has submitted a proposed parental consent method to the Commission for approval. The full text of its application is available on the Commission’s website at www.ftc.gov. (To be clear, this is the second such application submitted by AgeCheq. The first is available at <http://www.ftc.gov/news-events/press-releases/2014/08/ftc-seeks-public-comment-agecheq-inc-proposal-parental>. The comment period on the first application has now closed.)

Section B. Questions on the Parental Consent Method

The Commission is seeking comment on the proposed parental consent method, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the Commission’s consideration of the petition and should not be construed as a limitation on the issues on which public comment may be submitted. Responses to these questions should cite the number of the question being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Does the proposed method, both with respect to the process for obtaining consent for an initial operator and any subsequent operators, constitute a new methodology or is it already covered by existing methods enumerated in § 312.5(b)(1) of the Rule?
2. If this is a new method, provide comments on whether the proposed parental consent method, both with respect to an initial operator and any subsequent operators, meets the

⁵ 16 CFR 312.12.

requirements for parental consent laid out in 16 CFR 312.5(b)(1). Specifically, the Commission is looking for comments on whether the proposed parental consent method is reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent.

3. Does this proposed method pose a risk to consumers' personal information? If so, is that risk outweighed by the benefit to consumers and businesses of using this method?

Section C. Invitation to Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 29, 2014. Write "AgeCheq Application for Parental Consent Method, Project No. P-155400" on your comment and file your comment. Your comment – including your name and your state – will be placed on the public record of this proceeding, including, to the extent practicable, on the Commission Website, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Website.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, such as Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, including medical records or other individually identifiable health information. In addition, do not include any "[t]rade secret or any commercial or financial information which is . . . privileged or confidential," as provided in Section 6(f) of the FTC Act,

15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).⁵ Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/FTC/coppaagecheqapp2/>, by following the instructions on the web-based form. If this Notice appears at <http://www.regulations.gov/#!home>, you also may file a comment through that website.

If you file your comment on paper, write “AgeCheq Application for Parental Consent Method, Project No. P-155400” on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue, NW, Suite CC-5610 (Annex K), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street, SW, 5th Floor, Suite 5610 (Annex K), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

⁵ In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Visit the Commission Website at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 29, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

By direction of the Commission.

Donald S. Clark
Secretary.

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